

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FRANK D. SEINFELD,)	
)	
Plaintiff,)	
)	
-against-)	Case No.: 05-298(JJF)
)	
CRAIG R. BARRETT, CHARLENE)	
BARSHEFSKY, E. JOHN P. BROWNE, D.)	
JAMES GUZY, REED E. HUNDT,)	
PAUL S. OTELLINI, DAVID S.)	
POTTRUCK, JANE E. SHAW, JOHN L.)	
THORNTON, DAVID B. YOFFIE,)	
ANDREW S. GROVE, and)	
INTEL CORPORATION,)	
)	
Defendants.)	

**AFFIDAVIT IN SUPPORT OF PLAINTIFF'S
REPLY TO DEFENDANTS' OPPOSITION TO THE
MOTION FOR SUMMARY JUDGMENT**

STATE OF NEW YORK)
 : ss.
COUNTY OF NEW YORK)

A. ARNOLD GERSHON, being duly sworn, deposes and says as follows:

1. I am a member of the bar of the State of New York and an inactive member of the bar of the State of Georgia. I am the sole stockholder, director, officer and attorney of the firm A. Arnold Gershon, P.C., a New York professional corporation. I and my said professional corporation are of counsel to Ballon Stoll Bader & Nadler, P.C., a New York professional corporation, and we three are of counsel to the plaintiff in this action.

2. I make this affidavit in support of the plaintiff's reply to defendants' opposition to

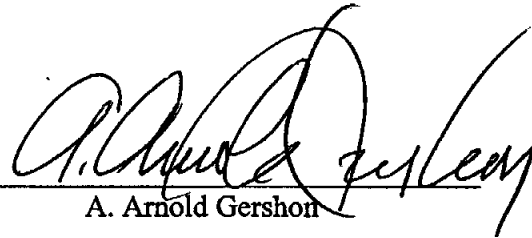
the motion for summary judgment.

3. Attached hereto as Exhibit 1 is the H.R. Conf. Rep. No. 103-213, 103rd Cong. 1st Sess. 1993, 1993 U.S. Code Cong. and Admin. News 1088, 1993 WL 302291, pages 587-588.

4. Attached hereto as Exhibit 2 is the poem "*The Unknown Citizen*" by W.H. Auden from *W.H. Auden Selected Poems, New Edition* 85-86 (First Vintage International Edition, 1989).

I refer to the last two lines of the poem, "Was he free? Was he happy? The question is absurd: Had anything been wrong, we should certainly have heard" because Auden was being ironic when he wrote these lines, however, the defendants in the case at bar are serious.

5. Attached hereto as Exhibit 3 is Andrew S. Grove, Only the Paranoid Survive, 3, 117-20 (Doubleday 1999).


A. Arnold Gershon

Sworn to before me this

9th day of August 2005



Notary Public

ROBERT A. KLIPSTEIN
NOTARY PUBLIC State of New York
No 31-02KL7305875
Qualified in New York County
Commission Expires Oct 31 2006

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2005, I electronically filed the foregoing Affidavit of A. Arnold Gershon in Support of Plaintiff's Reply to Defendants' Opposition to the Motion for Summary Judgment with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Stephen Norman, Esquire
Potter Anderson & Corroon LLP
1313 North Market Street
P.O. Box 951
Wilmington, DE 19899-0951

/s/ Francis G.X. Pileggi
Francis G.X. Pileggi (Del. Bar No. 2624)